



On March 23, 1998, claimant sent an additional demand letter, again by certified mail. In this letter, claimant noted Dr. Fleske had scheduled claimant for surgery in April and, therefore, demanded payment of temporary total disability benefits. This second letter also specified demand was being made for payment of two medical bills, one in the amount of \$90.50 from Dr. Fleske's office to be paid as unauthorized and \$45 in authorized medical expense incurred October 27, 1997. Subsequent letters sent by claimant's counsel on April 9, April 13, April 16, April 22, April 24, May 14, May 15, and May 21, 1998, for other medical expenses and/or mileage, were not sent by certified mail.

K.S.A. 44-512a requires, as a prerequisite to penalties, that claimant first serve by registered mail a written demand setting forth the specific items claimed to be past due. The ALJ found only the demand of March 23, 1998, satisfied those requirements. The Board agrees the initial demand of January 29, 1998, was too general, it did not specify which medical bills were past due and it appears there was, in fact, no temporary total disability due at that time. None of the other letters, all demanding payment of other medical bills or medical mileage after March 23, 1998, were sent by registered or certified mail.

K.S.A. 44-512a provides that the penalty is to be the larger of \$25 per medical bill or 10 percent. In this case, the \$25 per bill applies. There apparently is no issue concerning the temporary total disability payments. The Order should, therefore, be affirmed.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Order entered by Administrative Law Judge Bruce E. Moore on July 21, 1998, should be, and the same is hereby, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of October 1998.

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BOARD MEMBER

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BOARD MEMBER

c: M. John Carpenter, Great Bend, KS  
J. Scott Gordon, Overland Park, KS  
Bruce E. Moore, Administrative Law Judge  
Philip S. Harness, Director